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Fifty-seventh session
Third Committee
Agenda item 109 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Khmer Rouge trials

Programme budget implications of draft resolution A/C.3/57/L.70

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

1. Under the terms of operative paragraph 8 of draft resolution A/C.3/57/L.70, the General Assembly would request the Secretary-General, if necessary, to send a team of experts to Cambodia as may be required for the preparation of his report.

Relationship of the proposed request to the medium-term plan for the period 2002-2005

2. The activities referred to above would fall under programme 5, Legal affairs, of the medium-term plan for the period 2002-2005. Provision has not been made in the proposed programme budget for the biennium 2002-2003 (see A/56/6 (Sect. 8)) for the activities proposed in operative paragraph 8 of draft resolution A/C.3/57/L.70.

Activities by which the request would be implemented

3. Consistent with operative paragraphs 7 and 8 of the draft resolution, the Secretary-General would assemble a team of experts, including legal officers and political affairs officers, to travel to Cambodia in order to conduct consultations and negotiations with the Government of Cambodia concerning the establishment, efficient and cost-effective operation and financing and staffing of the Extraordinary Chambers in order to submit to the General Assembly the report referred to in operative paragraph 7 of the draft resolution.

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Estimated resource requirements

4. The estimated cost of sending a team of experts to Cambodia as may be required for the preparation of the Secretary-General's report for a two-week period in January 2003 amounts to $44,800. Substantive support for the team of experts would be provided by the Office of Legal Affairs and the Department of Political Affairs.

Action required from the General Assembly

5. Should the General Assembly adopt draft resolution A/C.3/57/L.70, additional provisions in the amount of $44,800 would be required under section 8, Legal affairs, of the programme budget for 2002-2003.

6. **By its resolution 56/254 A of 24 December 2001, the General Assembly appropriated $35,265,800 under section 8, Legal affairs, of the programme budget for 2002-2003. As that provision has been more than fully allocated for operations approved by the General Assembly or the Security Council, the additional requirements of $44,800 that would arise should the General Assembly adopt draft resolution A/C.3/57/L.70 would have to be treated under the procedures provided for in paragraph 11 of Annex to General Assembly resolution 41/213. Accordingly, additional appropriations in the amounts outlined above in paragraph 5 would be required for the programme budget for the biennium 2002-2003.**

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Extrajudicial, summary or arbitrary executions

Bahrain, Egypt, Malaysia, Pakistan, Saudi Arabia, Sudan and United Arab Emirates: amendments to draft resolution A/C.3/57/L.56/Rev.1

1. In the third preambular paragraph, delete the words "and resolutions on the subject by the Commission on Human Rights, and taking note of its latest resolution 2002/36 of 22 April 2002".

2. In operative paragraph 18, after the words "Calls upon the Governments of all States" the words "in order to prevent extrajudicial, summary or arbitrary executions" should replace the words "in which the death penalty has not been abolished".

3. In operative paragraph 22, after the words "to submit an interim report", insert the words "within her mandate".

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Extrajudicial, summary or arbitrary executions

Sudan:* amendments to draft resolution A/C.3/57/L.56/Rev.1

1. Replace operative paragraph 6 with the following text:

> 6. "*Reaffirms* the obligation of Governments to ensure the protection of the right to life of all persons under their jurisdiction and calls upon Governments concerned to investigate promptly and thoroughly all cases of extrajudicial, summary or arbitrary executions, including for any discriminatory reasons, and to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such executions are neither condoned nor sanctioned by government officials or personnel".

2. Replace operative paragraph 11 with the following text:

> 11. "*Takes note of* the interim report and recommendations made by the Special Rapporteur to the General Assembly, while being mindful that reports should remain within the mandate of the Special Rapporteur"

3. Replace operative paragraph 12 with the following text:

> 12. "*Recalls* Economic and Social Council resolutions 1982/35 and 1992/72, which mandated the Special Rapporteur to examine the questions related to extrajudicial, summary or arbitrary executions, and Commission on Human Rights resolution 2001/45, which requested the Special Rapporteur:
>
> (a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

* On behalf of the countries members of the Organization of the Islamic Conference.

02-69912 (E) 191102

(b) To respond effectively to information that comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further her dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender perspective in her work".

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Fifth-seventh session
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Human rights questions: implementation of human rights instruments

Programme budget for the biennium 2002-2003

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Programme budget implications of draft resolution A/C.3/57/L.37

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft decision

1. In operative paragraph 4 of draft resolution A/C.3/57/L.37, the General Assembly would request the Secretary-General to make all necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families referred to in article 72 of the Convention, as soon as the Convention enters into force, and would call upon States parties to submit in due time their first periodic report.

II. Activities required under the Convention when it enters into force

A. Meetings of the States parties to the Convention

2. In accordance with article 87 of the Convention:

(a) The Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of the twentieth instrument of ratification or accession. It is likely that the twentieth instrument of ratification or accession may be deposited in December 2002 or at the beginning of 2003;

02-70318 (E) 201102

(b) For each State ratifying or acceding to the Convention after its entry into force, the Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of its own instrument of ratification or accession.

3. In accordance with article 72 of the Convention, a Committee on the Protection of the Rights of Migrant Workers and Members of Their Families (hereafter referred to as the Committee) would be established. It would consist of 14 experts, elected at the meetings of States parties, who would serve in their personal capacity. The election of the 14 members of the Committee would take place in two stages:

(a) The first meeting of the States parties, at which 10 members of the Committee would be elected, would be convened for one day by the Secretary-General at United Nations Headquarters no later than six months after the date of the entry into force of the Convention;

(b) The second meeting of States parties, at which the four additional members of the Committee would be elected, would be convened by the Secretary-General at United Nations Headquarters for one day no later than six months after the entry into force of the Convention for the forty-first State party. Subsequently, meetings of States parties would be convened by the Secretary-General at biennial intervals.

B. Sessions of the Committee

4. Under article 75 of the Convention, the Committee would adopt its own rules of procedure, elect its officers for a term of two years and meet annually. Finally, article 75 also stipulates that the meetings would be held normally at United Nations Headquarters. In this regard, the Secretary-General believes that the principles embodied in General Assembly resolution 40/243 of 18 December 1985 should be observed and that, consequently, the Committee should meet at the headquarters of its substantive secretariat, that is, Geneva.

5. At its first regular session, the Committee would be expected, inter alia, to elect its officers, to consider and adopt its rules of procedure in accordance with article 75 of the Convention, to consider and approve general guidelines for the submission of reports by States parties, as stipulated in article 73 of the Convention, and to take decisions on matters relevant to the organization of its future work and the preparation of its annual report to the General Assembly. The Committee would also consider information on procedures and methods of work of the other treaty bodies and on activities of the Office of the United Nations High Commissioner for Human Rights. In accordance with article 74 of the Convention, the Committee would cooperate with the International Labour Office, special agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies.

C. Processing of reports submitted by States parties to the Convention

6. Under article 73 of the Convention, States parties would undertake to submit, through the Secretary-General for consideration by the Committee, reports on the legislative, judicial, administrative and other measures that they have taken to give effect to the provisions of the Convention within one year after the entry into force of the Convention for the State party concerned and thereafter every five years and whenever the Committee may so request. Under article 74, the Committee would also submit a report on its activities every year to the General Assembly on the implementation of the Convention, containing its own considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States parties.

D. Consideration by the Committee of inter-State disputes

7. In accordance with article 76 of the Convention, a State party to the Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Subject to the fulfilment of certain conditions and the lapse of the required time limits, the Committee shall deal with the matter referred to it and submit its report thereon to the States parties concerned. The provisions of that article shall come into force when 10 States parties to the Convention have made a declaration under paragraph 1 of the article.

E. Handling communications from individuals

8. As provided under article 77 of the Convention, a State party to the Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim that their individual rights as established by the Convention have been violated by the State party concerned. The Committee shall consider communications received under this article in closed meetings and shall forward its views to the State party concerned and to the individual. The provisions of that article shall come into force when 10 States parties to the Convention have made the declaration under paragraph 1 of the article.

9. Should the Convention enter into force in December 2002 or in 2003, only the first conference of the States parties to the Convention could be held in 2003. In view of the time needed for convening that conference and subsequently for convening the first session of the 10 elected experts composing the Committee, the first session of the Committee would be held in 2004.

III. Estimates of resource requirements

10. Taking into account the activities to be carried out once the Convention enters into force, as described above, and should the Convention enter into force in 2003, it is considered that temporary assistance resources would be required for one P-4 and

one General Service position to enable substantive servicing of the Committee to be undertaken. Conference-servicing requirements are estimated at $77,900. Total requirements for the biennium 2002-2003 would amount to $233,800.

11. However, it should be noted in this regard that adoption of the draft resolution in and of itself does not give rise to any immediate financial implications for 2003. Should these requirements subsequently arise as a result of the Convention entering into force, the necessary funds would be provided using the procedures relating to General Assembly resolution 56/256 of 24 December 2001 on unforeseen and extraordinary expenses for the biennium 2002-2003.

IV. Summary

12. **Should the Third Committee adopt draft resolution A/C.3/57/L.37, no immediate financial implications would arise, owing to the current absence of a sufficient number of ratifications of the Convention. Should the Convention enter into force in 2003, it is estimated that requirements arising as a result of the ratification of the Convention would amount to $233,800 for the biennium 2002-2003. These requirements would be handled using the procedures under General Assembly resolution 56/256 and would be reported to the Assembly at its fifty-eighth session.**

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedom

Programme budget for the biennium 2002-2003

Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities

Programme budget implications of the draft resolution contained in document A/57/357

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedures of the General Assembly

I. Requests contained in the draft resolution

1. Under the terms of the draft resolution contained in paragraph 16 of the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/57/357), the General Assembly would, inter alia:

(a) Decide that the Ad Hoc Committee should hold, within existing resources, at least one meeting in 2003 of a duration of ten working days, prior to the fifty-eighth session of the General Assembly;

(b) Encourage States to hold meetings or seminars to contribute to the work of the Ad Hoc Committee, in cooperation with, as appropriate, the Division for Social Policy and Development, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on Disability of the Commission for Social Development and non-governmental organizations;

(c) Request the Secretary-General to:

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(i) Seek the views of Member States, observer States, relevant bodies and organizations of the United Nations system, including human rights treaty bodies, and the Special Rapporteur on Disability, on proposals for a convention;

(ii) Submit to the Ad Hoc Committee at its second session a comprehensive report on the views submitted, to be issued at least six weeks before the commencement of the second session;

(iii) Continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work and, in this context, invite the Secretary-General to reallocate resources in order to allow the United Nations Programme on Disability to provide the necessary support to the Ad Hoc Committee;

(d) Decide to establish a voluntary fund to support the participation of non-governmental organizations and experts from developing countries, in particular from the least developed countries, and to invite Governments, civil society and the private sector to contribute to the voluntary fund;

(e) Request the Secretary-General to forward a comprehensive report of the Ad Hoc Committee to the Assembly at its fifty-eighth session.

II. Activities to be carried out in relation to the second session of the Ad Hoc Committee

2. The activities to be carried out in 2003 would include:

(a) Substantive servicing of 26 meetings. Intersessional meetings of the Bureau (6) and meetings of the second session of the Ad Hoc Committee (20);

(b) Parliamentary documentation. Annotated agenda for the second session of the Ad Hoc Committee; information for participants; report on the views of Member States, observer States and relevant bodies and organizations of the United Nations on proposals for a convention; reports of meetings and seminars held by States as contributions to the work of the Ad Hoc Committee; report on the work of the Ad Hoc Committee at its second session for submission to the General Assembly at its fifty-eighth session;

(c) Conference servicing of the second session of the Ad Hoc Committee in New York.

3. The activities would be carried out by the Department of Economic and Social Affairs.

III. Estimated resources requirements

4. The related resources that would be required are estimated at $90,000 (representing six work-months of a Professional post at the P-3 level and six work-months of a General Service post).

5. The conference-servicing requirements for the convening of the second session of the Ad Hoc Committee in New York in 2003 are estimated at $378,500, at full

cost. Should the Ad Hoc Committee hold its second session during the period from 19 to 26 June 2003, the related conference-servicing requirements would be met within the resources approved for the biennium 2002-2003. *It is recommended that* the General Assembly decide that the second session of the Ad Hoc Committee be held during that period.

6. It is recalled that the Secretary-General established the Voluntary Fund on Disability several years ago and that resources from that Fund have been used to finance technical cooperation projects and the activities of the Special Rapporteur on Disability. The voluntary contributions that may be mobilized to support the participation of non-governmental organizations and experts from developing countries, in particular from the least developed countries, in the work of the Ad Hoc Committee may therefore be accounted for in a separate sub-account within the existing trust fund. In this connection, the General Assembly is requested to clarify the meaning of the support to be provided, in particular whether the support would include only the payment of travel costs or the payment of the costs of the travel and daily subsistence allowance of the participants, and whether the payment would be made to one representative from each non-governmental organization and one expert from each country, or otherwise. It should be noted that the payment of such costs to participants from non-governmental organizations and from developing countries to attend the meetings of the Ad Hoc Committee would represent an exception to the provisions of General Assembly resolution 1798 (XVII) of 11 December 1962, as amended by the Assembly in subsequent resolutions.

IV. Contingency fund

7. It is recalled that, under the procedure established by the General Assembly in its resolution 41/213 of 19 December 1986, a contingency fund is established each biennium to accommodate additional expenditures derived from the legislative mandates not provided for in the approved programme budget. Under that procedure, if additional expenditures are proposed that exceed the resources available within the contingency fund, the activities concerned can be implemented only through the redeployment of resources from low-priority areas or modifications of existing activities. Otherwise, such additional activities will have to be deferred to a later biennium.

8. Under the procedure for operation of the contingency fund outlined in section C of the annex to General Assembly resolution 42/211 of 21 December 1987, the Secretary-General would, in his consolidated statement of all statements of programme budget implications and revised estimates, make proposals for revising the consolidated amount so that it would not exceed the available balance. In so doing, the Secretary-General would be guided by the indications of alternatives included in each statement of programme budget implications and in each proposal for revised estimates. The respective legislative bodies should take action on such alternatives at the time they adopt the decision or resolution in question.

9. Although it has not been possible at the present stage to identify activities in section 9 of the programme budget for the biennium 2002-2003 that could be terminated, deferred, curtailed or modified during the biennium, it is anticipated that efforts in this regard will continue in 2003 and, if these efforts are not successful,

the required resources would be sought in the context of the consideration of the second performance report at the fifty-eighth session of the General Assembly. Consequently, the amount of $90,000 referred to in paragraph 4 above need not be appropriated.

V. Summary

10. **Should the draft resolution contained in paragraph 16 of document A/57/357 be adopted, the second session of the Ad Hoc Committee would be held during the period from 16 to 27 June 2003, expenditure of $90,000 would be required. This amount will be absorbed to the extent possible, but should this prove not to be possible, the necessary funds would be sought in the context of the consideration by the General Assembly of the second performance report at its fifty-eighth session.**

11. **Further, the Assembly is requested to clarify the conditions and modalities of the support to be provided to participants from non-governmental organizations and experts from developing countries.**